

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14CV444

KENNETH D. BELL, in his capacity as court-	)	
Appointed Receiver for Rex venture Group, LLC	)	
d/b/a ZeekRewards.com,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	ORDER
	)	
CATHERINE PARKER, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon the Receiver's Motion for Clarification Regarding Defendant Sandra Gavel. (Doc. No. 78). The Amended Complaint in this case was filed on September 4, 2014. In a letter received by the Court on October 24, 2014, Defendant Gavel acknowledged that she was served with process on October 14, 2014. The letter goes on to state:

Your offer to contract is hereby rejected as unacceptable.  
As a natural person, I do NOT consent to the jurisdiction of any United States Magistrate, or the jurisdiction of any United States Article III Judge in the UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA, or the jurisdiction of any state with (sic) the United States of America.

(Doc. No. 32). This letter is the only response made by Defendant Gavel. In light of Gavel's *pro se* status, the Receiver seeks clarification as to whether the Court construes the letter as a 12(b)(2) motion to dismiss for lack of personal jurisdiction or merely a failure to answer or defend.

The Court hereby construes the letter as a motion to dismiss and denies the same. The Complaint sets forth sufficient allegations of personal jurisdiction and Defendant Gavel's contacts with North Carolina that are not disputed by this Defendant. Accordingly,

IT IS THEREFORE ORDERED THAT the Receiver's Motion for Clarification Regarding Defendant Sandra Gavel (Doc. No. 78), is hereby GRANTED. Document 32 is construed as a Motion to Dismiss and is hereby DENIED.

Signed: September 16, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

